

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 25, 2005

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Andreason, Bunderson, and Langhorst, absent and formally excused by the Chair; and Senators Burkett, Cameron, Malepeai, Marley, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Jed Bigelow, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Burkett, Malepeai, Marley, and Sweet were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 24, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 25, 2005

The JUDICIARY AND RULES Committee reports that **S 1052** and **S 1053** have been correctly printed.

DARRINGTON, Chairman

S 1052 was referred to the Resources and Environment Committee.

S 1053 was referred to the Judiciary and Rules Committee.

January 24, 2005

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Gary D. Power to the Idaho Fish and Game Commission, term to expire June 30, 2008;

Wayne Wright to the Idaho Fish and Game Commission, term to expire June 30, 2008.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business

Messages from the Governor

January 21, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Esperanza Gerhardt of Burley, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing January 12, 2005, and expiring July 1, 2007.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 24, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Stephen Williams of Blackfoot, Idaho, to be Acting State Senator for Legislative District 28. This appointment will be effective

January 27, 2005, and continue until such time as Senator J. Stanley Williams is able to resume his duties.

Sincerely,
/s/ Dirk Kempthorne
Governor

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-917, *Idaho Code*, J. Stanley Williams, State Senator, District 28, Bingham County, State of Idaho, has nominated Stephen Williams of Blackfoot, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 28, Bingham County.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Stephen Williams, to the office of State Senator, District 28, Bingham County, State of Idaho, for a term commencing on January 27, 2005, and continuing until such time as Senator J. Stanley Williams is able to resume his duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this twenty-fifth day of January, in the year of our Lord Two thousand and five and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 24, 2005

Mr. President:

I transmit herewith **HCR 2, HCR 3, HCR 4, HCR 5, H 6, H 7, H 8, H 9, and H 10** which have passed the House.

JUKER, Chief Clerk

HCR 2, HCR 3, HCR 4, HCR 5, H 6, H 7, H 8, H 9, and H 10 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the State Affairs Committee report, relative to the Gubernatorial appointments of Paul Kjellander and Lloyd Thies, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Paul Kjellander as a member of the Idaho Public Utilities Commission was confirmed by voice vote.

On motion by Senator McKenzie, seconded by Senator Stennett, the Gubernatorial appointment of Lloyd Thies as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of John T. Cowden was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Malepeai, the Gubernatorial appointment of John T. Cowden as a member of the Idaho Personnel Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1054

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICERS STANDARDS AND TRAINING FUND; AMENDING SECTION 19-4705, IDAHO CODE, TO REVISE THE DISTRIBUTION OF REMITTED FINES AND FORFEITURES; AMENDING SECTION 31-3201A, IDAHO CODE, TO REVISE THE DISTRIBUTION OF COURT FILING FEES; AND AMENDING SECTION 31-3201B, IDAHO CODE, TO INCREASE THE FEE CHARGED FOR THE PEACE OFFICERS STANDARDS AND TRAINING FUND AND TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

S 1055
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM; AMENDING SECTION 18-8324, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING THE CHAPTER HEADING FOR CHAPTER 52, TITLE 19, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTIONS 19-5201, 19-5202, 19-5203 AND 19-5204, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-3008, IDAHO CODE, TO REVISE TERMINOLOGY.

S 1054 and **S 1055** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 2, HCR 3, HCR 4, and HCR 5, by Judiciary, Rules, and Administration Committee, were introduced, read at length, and referred to the Judiciary and Rules Committee.

H 6, H 7, H 8, and H 9, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 10, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 5, by Appropriations Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1026 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Bunderson, Langhorst. Total - 3.

Total - 35.

Whereupon the President declared **S 1026** passed, title was approved, and the bill ordered transmitted to the House.

S 1027 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Geddes, Goedde. Total - 2.

Absent and excused--Andreason, Bunderson, Langhorst. Total - 3.

Total - 35.

Whereupon the President declared **S 1027** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Wednesday, January 26, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary